

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PATRICK DODSON,

§ Civil Case #: 1:19-cv-00511-LY

Plaintiff,

§

v.

§

FREE SPEECH SYSTEMS, LLC

§

Defendant.

§

DEFENDANT'S ANSWER TO PLAINTIFF'S AMENDED COMPLAINT

Defendant Free Speech Systems, LLC (“Defendant”) files this Answer to Plaintiff Patrick Dodson’s Amended Complaint filed July 2, 2019¹ (the “Amended Complaint”) as follows:

NATURE OF THE ACTION

1. Defendant admits that this is an action for copyright infringement under Section 501 of the Copyright Act, and that Dodson seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*. Defendant denies the rest of the allegations in Paragraph 1 of the Amended Complaint.

JURISDICTION AND VENUE

2. Defendant admits the allegations in Paragraph 2 of the Amended Complaint.
3. Defendant admits the allegations in Paragraph 3 of the Amended Complaint.
4. Defendant admits the allegations in Paragraph 4 of the Amended Complaint.

¹ Docket Document #7.

PARTIES

5. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Amended Complaint and, on that basis, denies them.
6. Defendant admits the allegations in Paragraph 6 of the Amended Complaint.
7. Defendant admits the allegations in Paragraph 7 of the Amended Complaint.
8. Defendant admits the allegations in Paragraph 8 of the Amended Complaint.

FACTS ALLEGED

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Amended Complaint and, on that basis, denies them.
10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Amended Complaint and, on that basis, denies them.
11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Amended Complaint and, on that basis, denies them.
12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Amended Complaint and, on that basis, denies them.
13. Defendant admits that on April 18, 2019, it ran an article titled *NXIVM Sex- Cult Prosecutors Have Evidence of Illegal Clinton Campaign Contributors for “Political Influence”*, on URL: www.infowars.com/nxivm-sex-cult-prosecutors-have-evidence-of-illegal-clinton-campaign-contributions-for-political-influence/.
Defendant lacks knowledge or information sufficient to form a belief as to the truth of

the rest of the allegations in Paragraph 13 of the Amended Complaint and, on that basis, denies them.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Amended Complaint and, on that basis, denies them.

CLAIM FOR RELIEF (Copyright Infringement Under 17 U.S.C. §§ 106, 501)

15. Defendant repeats and incorporates herein by reference its responses in the paragraphs above.
16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Amended Complaint and, on that basis, denies them.
17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 17 of the Amended Complaint and, on that basis, denies them.
18. Defendant denies the allegations in Paragraph 18 of the Amended Complaint.
19. Defendant denies the allegations in Paragraph 19 of the Amended Complaint.
20. Defendant denies the allegations in Paragraph 20 of the Amended Complaint.
21. Defendant denies the allegations in Paragraph 21 of the Amended Complaint.

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AFFIRMATIVE DEFENSES

First Affirmative Defense – Non-Infringement

22. Defendant has not performed any act infringing, contributing to the infringement of, or otherwise directly or indirectly infringing upon Plaintiff's alleged copyrights in the Photograph as set forth in the Amended Complaint.

Second Affirmative Defense – Fair Use

23. Any of Defendant's acts alleged to infringe upon Plaintiff's alleged copyrights in the Photograph, are protected by the fair use doctrine as codified in 17 U.S.C. § 107.

Third Affirmative Defense – Invalidity

24. The copyrights in the Photograph alleged to belong to Plaintiff in the Amended Complaint is invalid and/or void, because Plaintiff did not own said copyrights or one of the exclusive rights granted by copyright at the time the instant lawsuit alleging infringement was filed.

Fourth Affirmative Defense – Equity

25. Plaintiff's copyrights claims are barred in whole or in part by the doctrine of estoppel, acquiescence, release, waiver, laches unclean hands, illegality and/or other equitable defenses.

Fifth Affirmative Defense – No Willful Infringement

26. Defendant's infringement, if any, was not willful.

Sixth Affirmative Defense – Failure to State a Claim for Which Relief Can Be Granted

27. Plaintiff's copyright infringement claims in the Amended Complaint fail to state a claim upon which relief may be granted.

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Reservation of Other Defenses

28. Defendant reserves all other defenses pursuant to Federal Rules of Civil Procedure 8(c), the patent law of the United States, and any other defenses at law or in equity, that now exist or in the future may be available based on discovery and further factual investigation in this case.

WHEREFORE, Defendant prays as follows:

- (i) That Plaintiff take nothing by reason of its Amended Complaint;
- (ii) That Defendant be awarded its costs of suit incurred in defense of this action; and
- (iii) For such other relief as the court deems proper.

RESPECTFULLY SUBMITTED ON JULY 16, 2019.

/s/ Robert E. Barnes
ROBERT E. BARNES
Attorney for Defendant Free Speech Systems, LLC

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS (Austin Division)

PATRICK DODSON,
Plaintiff,
v.
FREE SPEECH SYSTEMS, LLC,
Defendant.

Case No.: 1:19-cv-00511-LY

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Robert Holzinger, am a citizen of the United States and am at least 18 years of age. My business address is 601 South Figueroa Street, Suite 4050, Los Angeles, California 90017.

I am not a party to the above titled action. I have caused service of "**Defendant Free Speech Systems, LLC's Answer To Plaintiff's Amended Complaint**" on the following party(ies) by filing with the Clerk of the Court using the CM/ECF system, and that a courtesy copy was forwarded to the following attorney(s) of record by Electronic Notification:

Richard Paul Liebowitz
LIEBOWITZ LAW FIRM PLLC
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
Email: RL@LiebowitzLawFirm.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 16, 2019.

/s/ Robert Holzinger